



# **South Carolina Hispanic/Latino Report 2006**

**Findings from the  
SC Commission for Minority Affairs  
and its  
Hispanic/Latino Advisory Committee**

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## ***Executive Director Remarks***



***Janie A. Davis***  
***Executive Director***

Greetings:

First, I would like to take this opportunity to thank the Hispanic/Latino Advisory Committee for their diligent work in collaborating with the Commission in preparing a comprehensive and updated report on the challenges faced by Hispanic/Latinos in South Carolina. I am pleased to provide you with the ***Hispanic/Latino Report 2006***.

The South Carolina Commission for Minority Affairs strives to help reduce poverty and deprivation among minority groups in South Carolina by studying the various socioeconomic issues within these groups. Although many strides have been made to address the issues of the Hispanic/Latino communities, much work still lies ahead of us.

We hope that this report will accomplish two things: 1) bring awareness of the issues surrounding the Hispanic/Latino population in South Carolina, and 2) bring forth a way to make change by having adequate resources to implement the recommendations in this report.

Let us remember that we must work together and give of ourselves full heartily to institute change.

I look forward to working closely with you to achieve positive outcomes outlined in this report.

Sincerely,

Janie A. Davis  
Executive Director

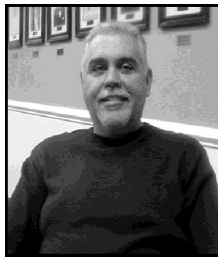
# Table of Contents

Hispanic/Latino Advisory Committee Members.....	v
Introduction .....	viii
Historical Context.....	x
The Hispanic/Latino Report 2006	
Education .....	1
Health Issues.....	7
Public Safety.....	11
Human Rights.....	17
Transportation.....	20
Additional Information .....	23

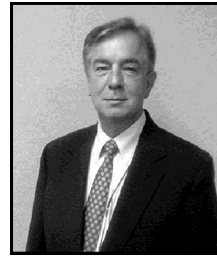
## ***Hispanic/Latino Advisory Committee Members Two-Year Term 2005-2007***

Members of the Hispanic/Latino Advisory Committee were selected by the Executive Director of the South Carolina Commission for Minority Affairs, Ms. Janie Davis, from a pool of those nominated by fellow constituents and other community leaders. They live in diverse regions of the state, and offer knowledge and expertise in areas such as health, education, immigration, law enforcement, communications, transportation, and labor. Some members represent faith-based organizations or community-based organizations.

*The Hispanic/Latino Advisory Committee members serve a two-year term as stipulated in the South Carolina Code of Laws (SC Code Section 1-31-40 (A) (7)(10) Chapter 139).*



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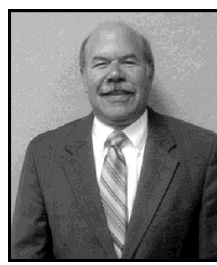
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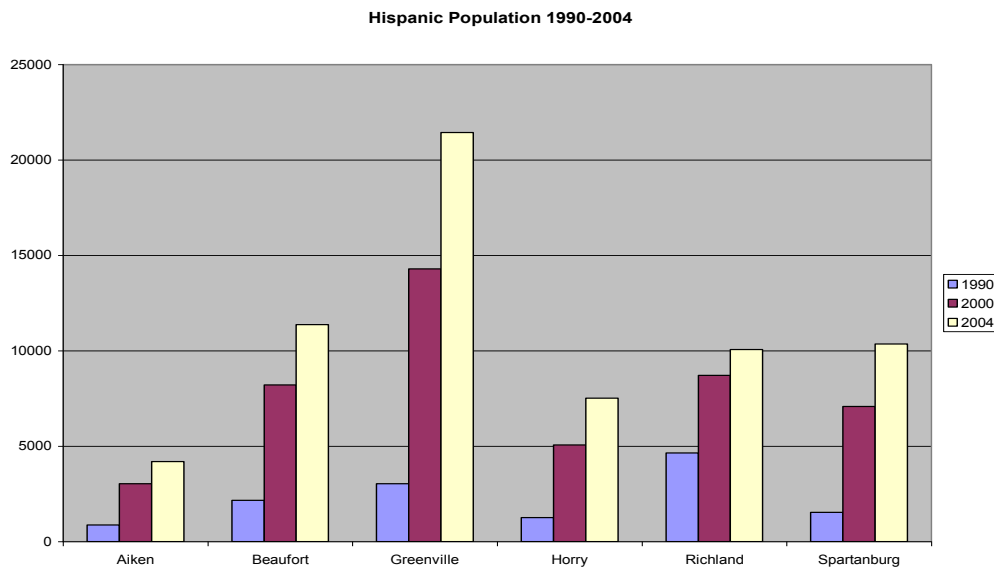


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## Introduction

South Carolina's population has become more diverse in recent years, to a large extent because of the rapid increase in Hispanic/Latino immigration to the State. The Hispanic population growth in South Carolina reflects national trends. Hispanics now comprise the nation's largest minority population, and the U.S. Bureau of the Census recently reported that Hispanics comprised half of the almost 3 million increase in the U.S. population between 2003 and 2004. Further, in 2004, new Hispanic births in this country outnumbered Hispanic immigrants, suggesting a steady increase in this population in the future.

The southeastern U.S. has become a new settlement area for Hispanics: between 1990 and 2004, the states with the largest rate of Hispanic population growth included North Carolina (575 percent growth), Arkansas (508 percent growth), Georgia (450 percent growth), and South Carolina (327 percent growth). The Census Bureau estimated that Hispanics comprised approximately 3.1 percent of South Carolina's population in 2004 (or 130,432 persons). For a variety of reasons, the census undercounts Hispanics. Based on birth and death rates, school enrollment data, immigration rates, and research conducted on Latino immigrants throughout the state, USC's Consortium for Latino Immigration Studies estimates that the state's Hispanic population is two to three times the Census estimates.



**Source: U.S. Bureau of the Census, 1990, 2000, 2004**

Latino immigrants are moving into South Carolina and the Southeast for a variety of reasons, including employment opportunities, a relatively low cost of living, temperate climate, low crime rates, and social networks among immigrants themselves. The Census Bureau reports that in 2003, over 60.0 percent of the states' Hispanic immigrants were of Mexican origin, followed in size by those of Puerto Rican origin (roughly 16.0 percent), and Central and South American origin (about 8.0 percent). Again, because of the Census undercount and the large number of undocumented immigrants local researchers consider the Mexican immigrant population to exceed 75 percent and the Central American population to far exceed that reported by the census. The counties with the largest Hispanic/Latino population include (in order of size) Greenville, Beaufort, Spartanburg, Richland, Charleston, Horry, and Lexington.

This report is divided into five sections that reflect the needs and challenges faced by many within the Hispanic/Latino community. These sections include Education, Health, Public Safety, Human Rights, and Transportation. Each section of this report includes recommendations for action and/or policy change.

**The Hispanic/Latino Advisory Committee presents these recommendations to the Executive Director of the South Carolina Commission for Minority Affairs for further action.**

## ***Historical Context***

In 2001, the Hispanic/Latino Ad Hoc Committee submitted a report, *Findings from the Hispanic/Latino Ad Hoc Committee*, to then-Governor Jim Hodges that reflected the issues and concerns related to the Hispanic/Latino population in South Carolina. Subsequently, South Carolina lawmakers passed legislation, *SC Code Section 1-31-40 (A)(7)(10) Chapter 139*, making the South Carolina Commission for Minority Affairs the official agency to represent the Hispanic/Latino population in the State. This legislation also ordered the creation of a Hispanic/Latino Advisory committee that would make recommendations to the Commission on issues regarding the needs of this population.

The first Hispanic/Latino Advisory Committee officially convened in 2004. Its members included leaders from across the State who shared their expertise on issues so that Hispanics/Latinos would be better served in the State. Over the course of the past two years, committee members worked diligently to address some of the issues and concerns raised in the 2001 report. They formed subcommittees to address specific concerns, the findings of which are included in this report.

Additionally, the first Statewide Hispanic/Latino Issues Conference was held August 29, 2005 at the Columbia Conference Center. This event provided an opportunity for members of the Latino community, researchers, and service providers to share information about the Latino culture and about critical needs and issues within the community. Participants, who represented business, public and private agencies, law enforcement, universities, education, and public service, came from across the State to attend some of the nine sessions offered. Many attending the 2005 conference expressed a desire for more information, indicating a need for future conferences on these and other topics related to the growing Hispanic/Latino presence in the State.



# EDUCATION

## ***Education Issues***

Public education in South Carolina is feeling the effects of the tremendous growth in the state's Hispanic/Latino population. According to the SC Department of Education, districts reported 3,226 Limited English Proficiency (LEP) students in the 1998-1999 school year. The following year, that number increased to 5,528, and Spanish was the primary language for 75 percent of those students. By 2005, the number of LEP students had more than tripled, to 16,049, and the numbers increased another 329 percent by early 2006, to 21,355. The increase between 1998 and 2006 in LEP students was over 561 percent.

As the Hispanic/Latino population increases in South Carolina, the State Department of Education and local school districts have worked to ensure that Hispanic/Latino children receive the support that they need to succeed in our schools and communities. Several issues have emerged as critical to the success of Hispanic/Latino students: language barriers, high school dropout rates, and LEP/Special Education identification issues.

Language barriers limit success in various ways. Lack of English language skills will limit students' progress because South Carolina does not presently provide bilingual education in public schools. Language barriers also hinder parents from understanding the need to provide early education either at home or through daycare programs, and from meeting immunization and other healthcare requirements that should be addressed when a child is enrolled in public schools. South Carolina's public schools are endeavoring to address such challenges by employing bilingual paraprofessionals, translation services, and community outreach efforts to help non-English speakers feel welcomed and accommodated. Still, much remains to be done regarding language barriers.

The Title III/ESOL (English for Speakers of Other Languages) consultant at the State Department of Education monitors districts to ensure compliance with the Office of Civil Rights Policies and to ensure that any barriers to services are removed. Such barriers could include a requirement that a child have a Social Security card to enroll in school, or lack of transportation to access services for LEP students. Further, district ESOL coordinators receive training at least twice a year.

After consulting with parents, teachers, students, outreach workers, community members, regional task force groups and staff from the State Department of Education, the Hispanic/Latino Ad Hoc Committee agrees that the following concerns need the attention of state leaders and Governor Mark Sanford.

Educational Issues and Committee Recommendations:

1. ESOL programs (K-12) often do not receive necessary funding. In fact, these specialized programs do not receive ANY state funding.

***Recommendation:*** The South Carolina legislature should provide additional funding as part of the South Carolina Department of Education budget to support the hiring of specially trained ESOL teachers and bilingual paraprofessionals. Funding is also needed for specific additional teaching materials for our LEP students, along with funding for translation services to keep parents informed about their child's education.

2. Interpreters are not always available, and when they are, they are not always utilized for registration, parent conferences and for special education meetings.

***Recommendation:*** School districts should be informed regarding the need to provide information to parents in understandable and appropriate format, and in a language that the parents can understand, as required by Title III law.

3. Schools do not always utilize appropriate resources to meet the needs of LEP students. This results in:

- a. parents and students being unaware of school policies usually referenced in student handbooks that are written only in English;
- b. parents of LEP students having difficulty completing emergency medical cards and other vital information required for each student;
- c. school lunch cards used to qualify students for free and reduced lunches are not always translated into other languages;
- d. parents not understanding that even though a Social Security number may be requested for student enrollment, it is not required.

***Recommendation:*** Use bilingual translations/translators to help parents be active partners in the education of their children

***Recommendation:*** Provide information for Hispanic/Latino parents linking them to community outreach services for themselves and their children.

***Recommendation:*** Promote open communication so that teachers, parents, students and community members can anonymously report

*and request assistance for school districts that violate the Office of Civil Rights LEP requirements.*

The State Department of Education will continue to monitor school districts to ensure that all rights under the law are being afforded non-English speaking students and parents. The Department will address language barrier issues as required by Title III (Public Law 107-110, January 8, 2002) and the Office of Civil Rights.

4. It is difficult for school systems to address special education requirements for LEP students because of language barriers.

***Recommendation:*** *LEP students should be considered for special education services without requiring them to be proficient in English. Work continues in developing adequate educational accommodations for Hispanic/Latino students who have unique educational needs. South Carolina has partnered with the Council of Chief State Schools Officers (CCSSO) to do much-needed research in this area.*

5. Currently, state testing programs do not require that students be tested in their primary language. This option should continue to be evaluated as the percentage of Spanish speaking students increases in the future.

***Recommendation:*** *As the numbers of Spanish language speakers increase, consideration should be given to developing state tests in Spanish. Research needs to be conducted on appropriate assessments in Spanish. Continuous study of culturally sensitive testing and investigation on how other states have handled language barriers in regard to testing should be encouraged.*

6. Districts and schools sometimes lack sufficient bilingual personnel. There is often a lack of bilingual home-school liaisons; however, many districts are hiring bilingual paraprofessionals or teachers. Others are finding community volunteers to help with important teaching and parent outreach efforts.

***Recommendation:*** *School districts should have qualified bilingual staff to carry out home visits and to serve as school liaisons, allowing them to meet the needs of LEP families.*

7. Teachers and school districts are often unfamiliar with the cultural differences that exist among the Hispanic/Latino population. These differences often lead to misinformation and ambiguous communication. Some of the problems associated with this issue include:



- a. cultural differences concerning how children's names are recorded that can interfere with consistent record-keeping;
- b. ongoing needs for staff development at district and school levels to make teachers and staff culturally sensitive to the specific needs of children; and

**Recommendation:** *School districts should provide staff development in cultural diversity issues. School districts need directives on how to consistently record children's names using a hyphen. Schools need periodic audits to ensure their compliance. Cultural competency training for staff should be provided at the school and district levels. Schools must have translated forms available for parents of LEP students in the school office, as applicable. State funding should be provided to address some of these needs.*

- 8. School staff members are not always aware of the laws that pertain to LEP students. When staff members are not familiar with current enrollment requirements, families enrolling children may be turned away.

*The State Department of Education will continue to provide appropriate and qualified staffing to coordinate policy matters. Additionally, it will monitor, report and provide technical assistance for seasonal, migrant, and resident Hispanic/Latino children. When schools and districts do not meet the requirements of the law regarding enrollment of students, they will receive technical assistance to ensure future compliance.*

- 9. Available services for LEP students vary by district and school. Some districts require students to travel long distances within the district to take advantage of specialized ESOL programs.

**Recommendation:** *Require districts to provide alternative ESOL services for students in their home schools when parents prefer that their child remain in the home schools rather than be transported to a centralized ESOL school program.*

**Recommendation:** *The State Department of Education should continue to use accountability measures to ensure that all programs for LEP students effectively move students toward English proficiency as required by federal law. Those districts and schools failing to meet these targets for their LEP student populations will be required to modify their curriculum and/or models of instruction, as necessary, to meet the annual measurable achievement objectives set by the state and approved by the federal government.*

10. Adult ESOL services are not always provided free of charge by school districts.

**Recommendation:** *Additional funding should be allocated to districts with large numbers of adults wishing to take part in ESOL classes so that these services can be provided for all adults requesting them.*

11. The dropout rate for LEP students should be reduced.

**Recommendation:** *LEP students should be given one extra year to graduate from high school without this extra time affecting their school's report cards.*

**Recommendation:** *All LEP students in high school should have a documented plan for acquiring English and for completing all required credits so that they will know that high school graduation is possible if they follow the plan.*



# HEALTH ISSUES

## ***Health Issues***

Based on information gathered from state healthcare providers, community-based organizations, and research conducted through USC's Consortium for Latino Immigration Studies, we consider the following to be the most critical issues related to healthcare for Hispanics/Latinos in the state:

1. Many within the Hispanic/Latino community find access to healthcare a challenge because of language barriers, low income, lack of health insurance, inadequate public and limited private transportation, and lack of information and knowledge regarding available healthcare treatment options.
2. Few health care providers in the state have medical interpreters and translators available as needed.
3. Many health care providers in the state lack cultural and other critical information on common health issues within the Latino community.

The language barrier acts as the most commonly cited challenge to adequate health care for Hispanics/Latinos. The majority of our Hispanic/Latino immigrants have arrived within the last eight-to-ten years, and most have come directly from Latin America, predominantly Mexico and Central America. Of this population, few possess English language skills.

The majority of Hispanic/Latino immigrants to South Carolina are members of the working class whose financial resources are limited. Few have health insurance or can afford doctor's visits. Many only see a doctor in cases of emergency, and even those not requiring emergency treatment often seek health care in emergency rooms.

Financial limitations also mean that many Hispanic/Latinos are not able to purchase prescription medicines. When they need medication, they sometimes use herbal remedies or send for medicines purchased by family members in their home countries.

Attitudes regarding health care within the Hispanic/Latino community may differ greatly from those of native-born Americans. For many immigrants, preventive care is not a priority. Further, a type of fatalism may exist: "If I get sick, I get sick. Then I will seek treatment."

Limited transportation options also act as a barrier to optimal healthcare among immigrants. Few rely on public transportation because of the limitations of that system and the language barrier, and many Hispanics/

Latinos do not own cars, do not have driver's licenses, or do not know how to drive. Many rely on friends or taxi services to get to medical treatment sites.

The only healthcare providers in South Carolina required to offer translation and interpretation services are those that receive federal funding and/or who have a contractual arrangement with the Department of Health and Environmental Control. Even within those facilities, difficulties exist, such as the time constraints involved in interpretation. Doctors and nurses, especially in emergency room settings, want interpreters to shorten visits and to summarize what the patient says. This practice is unethical and poses a problem for interpreters. Another problem is the lack of trained interpreting staff for all shifts. In some cases, non English-speaking patients must rely entirely on untrained interpreters and translators, or, especially in rural areas, they must depend on friends or family members to interpret.

While we have learned more about Hispanics/Latinos' health issues in the last few years, much more research and better record keeping and data collection are desperately needed. Our current understanding of Hispanics/Latinos health indicates that the most common health problems include: a) lack of prenatal care among Hispanic/Latina women; b) diabetes; c) HIV/AIDS and STE/cervical cancer; d) occupational health; e) tobacco use; f) alcohol/drug abuse; and g) cancer. Hispanic/Latino incidences of hypertension, obesity and heart disease also remain high. Further, co-morbid factors in the Hispanic/Latino population must be considered. These include mental health issues such as depression, domestic violence, sexual assault, victimization (especially related to crimes such as robberies), and socialization issues.

The following comprise the committee's recommendations:

Regarding barriers to healthcare accessibility for Hispanics/Latinos as related to their lack of language skills, limited resources and lack of health insurance, and lack of information regarding available healthcare options:

***Recommendation:*** All health settings should hire and maintain an adequate number of personnel from diverse backgrounds who are both bilingual and bicultural. Ideally, such personnel should have received healthcare interpreter training.

***Recommendation:*** All healthcare settings should have a documented plan to provide, at a minimum, "survival Spanish" for their employees in settings of high criticality.

***Recommendation:*** All healthcare settings should make available printed educational information, forms, and signage in the Spanish language.

**Recommendation:** Develop a database of free medical/screening clinics for LEP patients, and identify an office/entity to disseminate this information in Spanish.

**Recommendation:** state agencies should provide health fairs for the Hispanic/Latino community to share information about resources available in the community.

**Recommendation:** All state agencies involved in support services during a disasters (i.e., flooding, hurricanes, etc.) should make bilingual information available.

Regarding barriers to healthcare accessibility for Hispanics/Latinos as related to healthcare providers' lack of language skills and cultural competency:

**Recommendation:** In cases where healthcare settings cannot maintain adequate personnel to act as interpreters and translators, they should maintain a database of interpreter services and bring in interpreters.

**Recommendation:** Healthcare settings should regularly offer and require cultural competency training for their providers.

Regarding lack of healthcare data on Hispanics/Latinos:

**Recommendation:** All healthcare settings should have a plan for documenting the ethnicity of their patients on all medical forms.

**Recommendation:** The state should implement a consistent policy for gathering and reporting information that includes data on race, ethnicity and other vital information for future studies.

General recommendations

**Recommendation:** Measures should be taken to ensure that Hispanics/Latinos are not refused care as indicated in Title VI of the Civil Rights Act of 1964, as amended.

**Recommendation:** Institute reporting mechanisms in cases where care has been refused.

**Recommendation:** Establish a healthcare committee to carry out the recommendations listed in this report. Members should come from the South Carolina Department of Health and Human Services (DHHS), the Department of Health and Environmental Control (DHEC), the South Carolina Commission for Minority Affairs (CMA), the Office of the Governor, and community based organizations.



# PUBLIC SAFETY

## ***Public Safety***

The subcommittee evaluated four basic areas pertaining to public safety: Law Enforcement, Emergency Services, Emergency Preparedness, and the Legal System. The committee's aim was to review areas of concern regarding public safety issues in the 2001 Ad Hoc Report, to determine what changes had occurred in the interim, and to make recommendations to address ongoing needs.

To help identify ongoing issues and challenges in the area of public safety, the Commission for Minority Affairs sent survey forms to 250 Police and Sheriff's Offices around the state. The survey responses indicate that when it comes to serving the Hispanic/Latino community, the following challenges continue to exist at the state level:

- Language barriers
- The need for cultural training specific to law enforcement
- The need for materials and Miranda Rights in Spanish
- The need for bilingual personnel and staff

The subcommittee on Public Safety also identified other areas of concern regarding the Hispanic/Latino community. Among them are immigrants' perceptions of South Carolina law enforcement, and lack of emergency services. Many within the immigrant community consider law enforcement personnel corrupt and untrustworthy. A number of challenges continue to exist in the sphere of emergency services, which are listed below.

### **Law Enforcement Issues**

#### **Police and Sheriff Departments**

1. The majority of law enforcement personnel are unable to speak Spanish, and relatively few Hispanics/Latinos can communicate in English. This language barrier makes it difficult to relay important information like Miranda Rights to those in the immigrant community.

***Recommendation:*** *The state should make available, through the South Carolina Criminal Justice Academy, Spanish language translations of the Miranda Rights and Acknowledgment of Rights Forms for the use of law enforcement officers across the state. Additionally, all law enforcement officers should have available a pre-recorded version of these rights in Spanish to play for persons who do not speak or understand written English, explaining in detail the*



*Miranda Rights and the Acknowledgment of Rights Forms.*

2. Even when Hispanics/Latinos have their rights read to them, their unfamiliarity with the law enforcement system in the U.S. and many law enforcement personnel's lack of cultural understanding of those in the Hispanic/Latino community can lead to difficulties for all concerned. Cultural competency training for law enforcement personnel can help overcome some of these difficulties.

***Recommendation:*** *Cultural competency and sensitivity training should be required for all public safety personnel. Additionally, the content of cultural diversity training provided by the South Carolina Criminal Justice Academy should be strengthened. Further, set number of course hours related to the subject of racial and ethnic profiling should be required.*

3. Hispanics/Latinos continue to report incidences of ethnic profiling around the state.

***Recommendation:*** *all law enforcement personnel reported for suspicion of ethnic profiling should undergo an extensive investigation, and strong disciplinary action should be imposed as needed.*

4. Law enforcement offices around the state continue to lack sufficient Spanish speaking personnel.

***Recommendation:*** *Law enforcement should hire and maintain bilingual personnel and provide additional incentives for their expertise. The opportunity for current personnel to learn the language should also be made available through continuing education.*

5. Law enforcement offices across the state are not consistent in collecting data such as race, ethnicity, and other information pertaining to the Hispanic/Latino community. This information is vital to policy formation.

***Recommendation:*** *The state of South Carolina should devise and implement data collection standards on the Hispanic/Latino community, and report said data to a central location.*

## **Emergency Services**

Fire Departments and Emergency Medical Services (EMS)

1. Not all EMS and fire departments in South Carolina distribute brochures or other critical information in Spanish.

**Recommendation:** *The state of South Carolina should develop and make available to EMS and fire departments printed safety information in various languages, based upon the nationalities represented in the local community.*

2. Currently, EMS and fire department personnel across the state are not representative of the diverse groups in the community.

**Recommendation:** *Individual agencies should hire and maintain personnel from diverse backgrounds, including bilingual and bicultural staff.*

3. Currently, EMS and fire departments lack Spanish-speaking first responders.

**Recommendation:** *Train current EMS and fire department first responders in survival Spanish.*

4. Fire departments across the state do not consistently provide fire safety and child safety literature and lectures in the Spanish language.

**Recommendation:** *All fire departments in the state should provide, at a minimum, fire- and child-safety literature in Spanish, and should consider offering community workshops in Spanish to include topics related to fire safety, smoke detectors, seat belts and child restraints.*

### Emergency Preparedness

The South Carolina Commission for Minority Affairs is pleased with the great strides that have been made in the area of emergency preparedness as related to the Hispanic/Latino community. Members of the CMA public safety subcommittee, the Hispanic/Latino Program Coordinator Ms. Lee McElveen, and the Executive Director Ms. Janie Davis met with South Carolina Emergency Management Services personnel to devise a plan that would help notify and inform members of the Hispanic/Latino community of vital information before, during and after disasters.

- Lack of information in Spanish during natural disasters or any other public safety emergency should be addressed.

**Recommendation:** *That all state agencies involved in support services*

*during a time of disaster have materials available for non-English-speaking populations.*

**Recommendation:** *That the state of South Carolina provide the South Carolina Emergency Management Services with adequate funding for emergency response information in Spanish. Additionally, that funding be provided to hire bilingual personnel to interpret during a state of emergency.*

## **Legal Issues**

A review of legal issues raised in the 2001 Ad Hoc Report reveals that many if not most of the concerns mentioned in 2001 remain issues of concern today, despite efforts by some local courts to respond to the changing state demographics. These issues and concerns include the following, along with recommendations, most of which were made in the 2001 report.

1. The state of South Carolina has no program in place to certify and/or determine the qualifications of interpreters in the state's courts. Court interpreting is a special skill, and the mere fact that one speaks Spanish does not necessarily qualify him/her to act as a court interpreter.

**Recommendation:** *That the state Office of Court Administration facilitate South Carolina's membership in the national Consortium for State Court Interpreters, and facilitate the creation of a state court interpreter certification program in South Carolina.*

**Recommendation:** *That the Office of Court Administration lead the way in ensuring that state courts use only certified court interpreters.*

2. Not all of South Carolina's courts require that certified and/or qualified interpreters be available for non-English-speaking parties or witnesses.

**Recommendation:** *All state courts should be required to provide certified (or until a certification program is in place, qualified) interpreters for non-English-speaking parties and witnesses in criminal and civil proceedings.*

3. Many Hispanics/Latinos are unaware of legal requirements and rights relating to housing, education, health, victim's rights, immigration, and civil rights.

**Recommendation:** *That the state legislature identify an office that will assume responsibility for coordinating educational workshops for*

*Hispanics/Latinos to inform them of rights and responsibilities in the aforementioned areas. That instructional materials for such workshops be made available in Spanish.*

4. Many Hispanics/Latinos do not have access to legal services and are not aware of their right to a court-appointed attorney in a criminal proceeding.

***Recommendation:*** *That the South Carolina Bar maintain a list of attorneys who are Hispanic/Latino or at least Spanish-speaking, and find ways to distribute this list to members of the Hispanic/Latino community.*

5. Hispanics/Latinos are often denied their legal and civil rights even though courts have recognized that a person with “ties to the community” is entitled to the same treatment as a U.S. citizen. (See U.S. vs. René Martin -Urquidez [494 US 1092, 1960]).

***Recommendation:*** *Government employees should be directed to provide the same treatment to Hispanics/Latinos as they provide their other clients.*

6. The state legal system lacks a sufficient number of bilingual employees.

***Recommendation:*** *Offices of public defenders throughout the state should hire qualified bilingual staff as needed in diverse communities.*



# HUMAN RIGHTS

## ***Human Rights***

The Human Rights section of this report includes sections on worker's rights and housing issues. While little hard data exists on Hispanics/Latinos and human rights in South Carolina, informal reports from agencies and individuals who work with this community and from community members themselves suggest that problems exist in each of these areas.

### **Worker's Rights**

Many Hispanic/Latino workers suffer injuries on the job, especially in construction. The cause of these injuries is usually associated with lack of safety training for workers, or lack of safety training in their own language.

***Recommendation:*** That South Carolina firms who hire Hispanic/Latino employees provide safety training in Spanish for those employees who do not speak English or speak it well. Further, such firms must make all training materials, forms and literature containing OSHA standards available in Spanish. Finally, the SC Department of Labor, Licensing and Regulation should provide mandatory training in OSHA safety and health standards. Such training classes could be offered through local construction associations such as the Home Builder's Association.

Hispanic/Latino workers' rights are sometimes violated in that they do not receive the wages promised them, or they receive a wage lower than minimum wage, or they are not paid for overtime.

***Recommendation:*** That state agencies more strictly enforce regulations and fines for employers who fail to properly compensate Hispanic/Latino workers (minimum wage and overtime).

Many Hispanics/Latinos believe that they are discriminated against in the workplace because they are Hispanics/Latinos.

***Recommendation:*** State agencies that regulate safety and employment issues should request that Spanish language media broadcast or publish bi-annual public service announcements to Hispanic/Latino listeners offering information on state requirements regarding worker's compensation, OSHA safety and health standards, their rights regarding wages and employment discrimination, and unemployment insurance. These announcements should encourage Hispanics/Latinos to report discrimination and other forms of abuse in the workplace.

## Housing Issues

Many Hispanics/Latinos live in substandard conditions in apartments and manufactured homes across the state.

***Recommendation:*** that county agencies which oversee and set standards for mobile home parks devise and adhere to consistent standards and regulations with the aim of improving conditions in mobile home parks throughout the state.

***Recommendation:*** That mobile homes be inspected at least every two years to ensure their compliance with safety and other guidelines. In order to register a mobile home, owners should be required to offer proof that property taxes have been paid, that the home has been inspected by the appropriate agency, and that it meets state guidelines.



# TRANSPORTATION



## ***Transportation***

The Hispanic/Latino Advisory Committee explored the issue of transportation and agreed that transportation options are limited for the majority of Hispanics/Latinos in the state. Currently, state law makes it impossible for undocumented immigrants to obtain a driver's license, and the majority of our Hispanic/Latino residents lack legal documentation. In addition, purchasing a vehicle can prove difficult for reasons of legal residence and/or because of limited resources. The public transportation system in South Carolina is woefully inadequate, especially in smaller communities and rural areas. Further, few public transportation companies in the state offer information on routes and schedules in Spanish.

Access to reliable transportation is critical to regular employment, education (including English classes), and health care. Social scientists have linked lack of access to transportation with increasing poverty rates. Typically, the rationale for denying driver's licenses to undocumented immigrants includes the charge that offering undocumented residents the same rights and privileges afforded U.S. citizens rewards "lawlessness" and sends a message that we welcome those who are here "illegally." Further, security issues have dominated the conversation since the September 11 attacks.

Members of the Hispanic/Latino Advisory Committee contend that anyone who learns traffic safety and is skilled at operating a motor vehicle deserve the right to obtain a driver's license, regardless of their legal status. We feel that South Carolina's residents will be better served by policies that encourage drivers to know the rules of the road and to be good drivers, that allow drivers to purchase automobile insurance, and that allow ready access to transportation for all residents in order to improve the quality of life for everyone. Further, because we value the strong contribution Hispanic/Latino workers are making to the state's economy, because we believe that all barriers to education and health care should be removed for South Carolinians, and because we recognize that denial of driver's licenses to undocumented residents has nothing to do with immigrants' decisions to immigrate or to remain in the state, we believe that state policy regarding licenses should be changed.

The majority of Hispanic/Latino immigrants to South Carolina lack legal residency status, and are therefore unable to apply for a state driver's licenses. The result is that hundreds, if not thousands of Hispanics/Latinos are driving South Carolina's roads without licenses and usually without auto insurance. This situation leads to more dangerous driving conditions and higher insurance costs for everyone in the state.

***Recommendation:*** That state lawmakers change existing laws to allow anyone who is otherwise qualified to secure a driver's license in South Carolina without having to offer proof of legal residency.

According to research conducted by researchers at USC, South Carolina's public transportation system is not meeting the needs of Hispanic/Latino residents. Many immigrants report that they do not use public transportation because they have no way of knowing about routes or schedules, largely because signage and literature is not in Spanish. For others, bus routes do not match their needs, or they live in areas without public transportation.

***Recommendation:*** That companies providing public transportation services in South Carolina enhance/modify their routes to meet the needs of potential passengers, that signage and literature regarding transportation services be published in Spanish, that companies provide information about public transportation services via phone recordings in Spanish and that transportation companies' contact information be provided through public service announcements in the Spanish media.

For additional information on Hispanics and Latinos in the State of South Carolina, feel free to contact Lee McElveen, program coordinator for Hispanic/Latino Affairs:

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